

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 2553 OF 2005.

The Regional Director, Employees State
Insurance Corporation.

... Appellant.

Versus.

M/s.Asian Machine Tools.

... Respondents.

Shri H.V.Mehta for the Appellant.

**CORAM : ABHAY S.OKA, J.
DATED : 17th MARCH, 2006.**

P.C.:

1. This is an appeal preferred under section 82 of the Employees State Insurance Act, 1948 by the Employees State Insurance Corporation. Sub-section (2) of section 82 of the said Act of 1948 provides that the Appeal will lie to this Court if it involves substantial question of law.

2. The ESI Court has recorded a finding of fact that for the relevant period i.e from November 1981 to May 1982 the number of employees employed with the Respondent were less than 10. The said finding of fact is based on muster roll, wage register, petty cash book, cash book and ledger book produced by the Respondent. Shri Mehta appearing for the Appellant has invited my attention to grounds (A) to (D) in the Memorandum of Appeal. The said grounds raise purely factual issues.

3. The finding of fact recorded by the ESI Court is based on documentary evidence on record. No substantial question of law arises in the Appeal. The Appeal is therefore dismissed with no order as to costs.

Judge.